

**Public Interest Energy Research Program
Sole and Single Source Contracting
Procedures**

I. Proposal Format

Proposals for a sole or single source contract must contain the information listed below. The Commission regulations provide that the Commission may reject a proposal if it is not in this format. See 20 CCR section 2103 (sole/single source PIER contract regulations). The PIER Program Manager should post this information on the Commission's webpage and update it as necessary.

- 1) Project description: an abstract and detailed description of the project work to be performed, including the specific goals and objectives of the project, and the plans for achieving them.
- 2) Project technical issues and goals: determination of the key technical issues to be addressed by the project and identification of the project goals; relationship to the goals from the most recent PIER program area plan, appropriate subject area plan or strategic plan.
- 3) Project work statement: a task by task description of the work to be performed, including the project's specific goals and objectives and the tasks and approaches to be used for achieving them.
- 4) Project deliverables: a description of the products to be obtained from each task during the course of the project, along with corresponding due dates.
- 5) Project budget: a task level description of the budget and funding amount, including matching funds.
- 6) Project schedule: a timeline for the project tasks funded by PIER and corresponding completion dates.
- 7) Project management and team qualifications: a description of the applicant's organizational structure, how the proposed project will be managed, and the project and team members, including their qualifications and experience.
- 8) Anticipated public benefits.
- 9) Concurrence with the PIER contract terms and conditions used in the most recently released PIER solicitation document.

II. Procedures to Award Sole Source Contract

When the Commission receives a proposal for a sole source contract award, the Commission will follow the procedures outlined below. These steps can occur simultaneously if needed.

Note that a proposal may be rejected at any time after any of the steps listed below. Review and award of sole source contracts are not subject to competitive bidding rules, and complete discretion is given to staff whether to recommend to the Research, Development & Demonstration Committee (RD&D Committee) award of a sole source contract.

If the assigned subject area team decides to reject a proposal after any of these steps, the team lead should notify the Contracts Office, indicating the reason why the proposal was rejected. The Contracts Office will notify the applicant, with an explanation of why the proposal was rejected.

- 1) All unsolicited proposals or proposals that request award on a sole source basis should be immediately routed to the Contracts Office.
- 2) The Contracts Office will log the proposal and keep a copy in a central place. The Contracts Office will review the proposal for completeness and compliance with the format requirements above. If the proposal passes this initial review, the Contracts Office will send a copy to the PIER Program Manager. If the proposal does not pass this initial review, the Contracts Office will send the applicant a letter explaining why the proposal was rejected.
- 3) The PIER Program Manager reviews the proposal, and assigns it to one of the subject area teams.
- 4) The assigned subject area team reviews each sole source contract proposal to ensure that the proposal includes:
 - (i) Appropriate tasks and deliverables to achieve the goals of the project
 - (ii) A credible schedule for completing tasks and providing deliverables
 - (iii) A reasonable budget, detailed by task, to achieve the goals of the project
 - (iv) Project participants with appropriate experience and skills for the project to succeed
 - (v) Technical and scientific feasibility of the project.

When evaluating the proposal, the team should also use the "factors for consideration" in 20 CCR section 2102 (sole/single source PIER contract regulations). In making this evaluation, the subject area team may consult with outside experts if needed.

- 5) The assigned subject area team also reviews the proposal to ensure that the proposal would not be eligible for a competitive solicitation that is either planned to be released within two months of the receipt of the proposed contract or was released within the preceding six months. This portion of the procedures does not apply to public agencies or organizations that legally cannot participate in competitive solicitations.
- 6) In addition, each subject area team lead may designate a black-out period during which unsolicited proposals that would be eligible for that particular subject area, will not be accepted. The team lead must obtain approval from the RD&D Committee before establishing a black-out period. The team lead must publicize the black-out period, including posting it on the Commission's webpage, and any other method that would reach stakeholders for that subject area.
- 7) The lead of the assigned subject area team presents any sole source contract proposal for discussion to the PIER Core Team, consisting of at least one representative from each of the program subject area teams. When evaluating the proposal, the Core Team should use the "factors for consideration" in 20 CCR section 2102 (sole/single source PIER contract regulations).
- 8) The lead of the assigned subject area team may interview the potential applicant.
- 9) The Contracts Office will send the applicant the forms and information necessary to fulfill state contracting requirements such as Disabled Veterans Business Enterprise. The applicant is asked to complete the forms and return them to the Contracts Office along with a signed standard agreement/contract terms and conditions.
- 10) The lead of the assigned subject area team sets up a meeting with someone from the Contracts Office and someone from the Chief Counsel's Office to determine if the contract should be on a sole source or single source basis.
- 11) The lead of the assigned subject area team notifies the Contracts Office, the other subject area team leads, PIER management and the Chief Counsel's Office once a decision has been made to recommend to the RD&D Committee award of a contract.

- 12) The lead of the assigned subject area team provides advice and comment to the RD&D Committee and submits the proposal to the RD&D Committee for recommendation to the full Commission for a sole source contract award. When evaluating the proposal, the RD&D Committee should use the "factors for consideration" in 20 CCR section 2102 (sole/single source PIER contract regulations).
- 13) The Contracts Office writes the applicant a congratulations letter.
- 14) The Contracts Office consults with the Department of General Services regarding the criteria outlined in Public Resources Code Section 25620.5(f).
- 15) The Commission awards the sole source contract at a Commission business meeting and makes the findings required by the Commission regulations. See 20 CCR section 2100.
- 16) The Contracts Office notifies the Joint Legislative Budget Committee in writing at least 30 days prior to the anticipated award of the sole source contract.
- 17) The Joint Legislative Budget Committee either approves the contract or fails to disapprove the contract within 30 days from the notification.
- 18) The Contracts Office prepares the contract documents.
- 19) The contractor signs the contract.
- 20) The Contracts Office signs the contract;
- 21) The Department of General Services approves the contract, if such approval is required by law. (Some types of contracts, i.e. expert witness contracts, do not need DGS approval.)

III. Procedures to Award Single Source Contract

When the Commission receives a proposal for a single source contract award, the Commission will follow the procedures outlined below. These steps can occur simultaneously if needed.

Note that a proposal may be rejected at any time after any of the steps listed below. Review and award of single source contracts are not subject to competitive bidding rules, and complete discretion is given to staff whether to recommend to the RD&D Committee award of a single source contract.

If the assigned subject area team decides to reject a proposal after any of these steps, the team lead should notify the Contracts Office, indicating the reason why the proposal was rejected. The Contracts Office will notify the applicant, with an explanation of why the proposal was rejected.

- 1) All unsolicited proposals or proposals that request award on a single source basis should be immediately routed to the Contracts Office.
- 2) The Contracts Office will log the proposal and keep a copy in a central place. The Contracts Office will review the proposal for completeness and compliance with the format requirements above. If the proposal passes this initial review, the Contracts Office will send a copy to the PIER Program Manager. If the proposal does not pass this initial review, the Contracts Office will send the applicant a letter explaining why the proposal was rejected.
- 3) The PIER program Manager reviews the proposal and assigns it to one of the subject area teams.

- 4) The assigned subject area team reviews each single source contract proposal to ensure that the proposal includes:
- (i) Appropriate tasks and deliverables to achieve the goals of the project
 - (ii) A credible schedule for completing tasks and providing deliverables
 - (iii) A reasonable budget, detailed by task, to achieve the goals of the project
 - (iv) Project participants with appropriate experience and skills for the project to succeed
 - (v) Technical and scientific feasibility of the project.
- When evaluating the proposal, the team should also use the "factors for consideration" in 20 CCR section 2102 (sole/single source PIER contract regulations). In making this evaluation, the subject area team may consult with outside experts if needed.
- 5) The assigned subject area team also reviews the proposal to ensure that the proposal would not be eligible for a competitive solicitation that is either planned to be released within two months of the receipt of the proposed contract or was released within the preceding six months. This portion of the procedures does not apply to public agencies or organizations that legally cannot participate in competitive solicitations.
- 6) In addition, each subject area team lead may designate a black-out period during which unsolicited proposals that would be eligible for that particular subject area, will not be accepted. The team lead must obtain approval from the RD&D Committee before establishing a black-out period. The team lead must also publicize the black-out period, including posting it on the Commission's webpage, and any other method that would reach stakeholders for that subject area.
- 7) The lead of the assigned subject area team presents any single source contract proposal for discussion to the PIER Core Team, consisting of at least one representative from each of the program subject area teams. When evaluating the proposal, the Core Team should use the "factors for consideration" in 20 CCR section 2102.
- 8) The assigned subject area team may interview the applicant.
- 9) The Contracts Office will send the applicant the forms and information necessary to fulfill state contracting requirements such as Disabled Veterans Business Enterprise. The applicant is asked to complete the forms and return them to the Contracts Office along with a signed standard agreement/contract terms and conditions.
- 10) The lead of the assigned subject area team sets up a meeting with someone from the Contracts Office and someone from the Chief Counsel's Office to determine if the contract should be on a sole source or single source basis.
- 11) The lead of the assigned subject area team notifies the Contracts Office, the other subject area team leads, PIER management and the Chief Counsel's Office once a decision has been made to recommend to the RD&D Committee award of a contract.
- 12) The lead of the assigned subject area team provides advice and comment to the RD&D Committee and submits the proposal to the RD&D Committee for recommendation to the full Commission for a single source contract award. When evaluating the proposal the RD&D Committee should use the "factors for consideration" in 20 CCR section 2102.
- 13) The Contracts Office writes the applicant a congratulations letter.
- 14) The Commission awards the single source contract at a Commission business meeting and makes the findings required by the Commission regulations. See 20 CCR section 2101.
- 15) Commission staff notifies the Department of General Services.
- 16) Commission staff notifies the Joint Legislative Budget Committee.
- 17) The Contracts Office prepares the contract documents.
- 18) The contractor signs the contract.
- 19) The Contracts Office signs the contract.
- 20) The Department of General Services approves the contract, if such approval is required by law. (Some types of contracts, i.e. expert witness contracts, do not need DGS approval.)